

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America
v.

Case No. 2:22-mj-7

Benjamin R. Wemer.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 01/06/2022 in the county of Athens in the

Southern District of Ohio, the defendant(s) violated:

Code Section

18 U.S.C. 922(g)(1)

Offense Description

Possession of a Firearm or Ammunition by a Previously Convicted Felon

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.



Complainant's signature

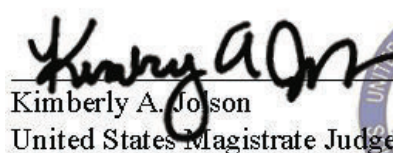
Aaron Green, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: January 6, 2022

City and state: Columbus, Ohio


Kimberly A. Johnson
United States Magistrate Judge

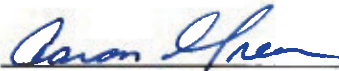


ATTACHMENT A

I, Aaron Green, being duly sworn, depose and state that:

1. I have been a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since November of 2017. I am a graduate of the ATF National Academy Special Agent Basic Training Program and the Federal Law Enforcement Training Center, Criminal Investigator Training Program. I was a member of the Federal Air Marshal Service, with the Department of Homeland Security, from December 2010 to July 2016 and a graduate of the Federal Law Enforcement Training Center, Federal Air Marshal Training Program. I worked as a patrol officer for the Columbus Police Department in Columbus, Ohio from December 2000 to December 2010, and from April 1998 to December 2000 I was employed as a patrol officer for the Suffolk Police Department in Suffolk, Virginia. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws pertaining to firearms violations. As a Special Agent, I am also authorized to carry firearms, execute warrants, make arrests for offenses against the United States, and perform other such duties as authorized by law.
2. This affidavit is made in support of a criminal complaint against Benjamin Richard WEMER, DOB 12/2/1974, for a violation of Title 18, U.S.C., Section 922(g)(1)– Possession of a Firearm and/or Ammunition by a Convicted Felon. The statements in this affidavit are based upon my training and experience, consultation with other experienced investigators and agents, review of related police reports, and other sources of information relative to firearms investigations. This affidavit is intended to set forth probable cause in support of the criminal complaint and does not purport to set forth all of my knowledge regarding this investigation.
3. On January 6, 2022, law-enforcement officers executed a State of Ohio search warrant at the home of WEMER, located at 6001 Cottonwood Road, Glouster, Ohio, which is located in the Southern District of Ohio. During the execution of the search warrant Deputies were advised by Alisha Hogue, who also resides at the residence, that there were firearms located within the residence. Deputies obtained an additional search warrant based on that information and the knowledge that WEMER is federally prohibited from possessing a firearm. As a result of the search, the Deputies recovered a Heritage 22 caliber revolver, a Chipmunk bolt action pistol, a taurus 38 caliber revolver and 22 caliber ammunition in the bedroom of WEMER.
4. An ATF agent with experience in determining the interstate nexus of firearms has concluded that the Firearm was not made in the state of Ohio and therefore has traveled across state lines, creating an interstate-commerce nexus.
5. WEMER has previously been convicted of offenses punishable by a prison term exceeding one year. According to certified copies of judgment orders from the Athens County Court of Common Pleas, WEMER has been convicted of at least three such offenses:

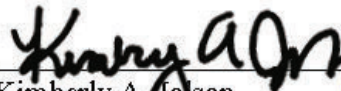
- a. in Athens County Court of Common Pleas Case Number 00CR060, Aggravated Robbery, a felony of the 1st degree, on or around June 29, 2000.
 - b. in Athens County Court of Common Pleas Case Number 09CR0214, Aggravated Burglary Inflict Harm, a felony of the 1st degree, Felonious Assault Victim Seriously Harmed, a felony of the 2nd degree on or around August 12, 2009.
 - c. and in Athens County Court of Common Pleas Case Number 090CR0257, Aggravated Burglary, a felony of the 1st degree and Felonious Assault, a felony of the 2nd degree, on or around August 18, 2009.
6. Because WEMER was incarcerated over a year for one or more of these convictions, he was aware that one or more of the offenses for which he was convicted was punishable by a prison term exceeding one year.
7. Based upon the aforementioned information and events, and your affiant's training and experience in dealing with federal firearms violations, your affiant believes that probable cause exists to believe that on or around January 6, 2022, Benjamin Richard WEMER, knowing he was a previously convicted felon, did knowingly possess a firearm which was not manufactured in the State of Ohio and therefore travelled in and/or affected interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).



Aaron Green, ATF Special Agent

Sworn to before me and signed in my presence.

January 6, 2022



Kimberly A. Tolson
United States Magistrate Judge



Date